



**BARRACK | RODOS | BACINE**

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October 9, 2014

**Via ECF and Federal Express**

Honorable William H. Pauley, III  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, NY 10007-1312

**Re: *Pennsylvania Public School Employees' Retirement System v. Bank of America Corporation, et al.***  
**Civil Action No. 1:11-cv-00733-WHP**

Dear Judge Pauley:

The current deadline for fact discovery is December 31, 2014. We respectfully write to present the parties' joint request for a three month extension of the deadline for completion of fact discovery to March 31, 2015. No prior extensions of this deadline have been requested or granted.

The parties have been actively engaged in fact discovery in an effort to comply with the Court's December 31st deadline. As of this date, Defendants have produced, on a rolling basis, millions of pages of documents. As can be expected, the task of reviewing these documents to select materials to use in preparing to take, or defend, depositions has involved an extraordinary effort on the part of all counsel. Plaintiffs have also sought additional discovery after reviewing and analyzing Defendants' earlier productions, and Defendants have continued to produce responsive documents. While these document productions and review have been underway, the parties have already conducted 13 fact witness depositions, with two additional depositions being taken today in California and Florida. At least 24 more depositions have been requested, and some additional depositions beyond those 24 may be requested as discovery proceeds. Moreover, the additional time could facilitate mediation discussions which have already begun.

It is our contemplation that if Your Honor grants the extension of the fact discovery deadline, the parties would then confer and jointly propose for the Court's consideration a schedule for expert discovery, which would commence after the conclusion of fact discovery.



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Counsel shall, of course, make themselves available at the Court's convenience for a telephone or in-person conference if Your Honor has any questions or would like to speak with us about this request or the underlying litigation.

Respectfully,

A handwritten signature in blue ink, reading 'Mark Rosen', is positioned below the word 'Respectfully,'.

Mark R. Rosen

MRR:rpb

cc: All Defense Counsel (via ECF)